

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1881 OF 1995

1. Dorothy Rose Rana,)
2. Francisca Vongeyer,)
both residing at St.Paul's)
Road, "Jondell", Bandra,)
Mumbai - 400 050.)
3. Collin Rana,)
residing at Andora Apartments,)
St.Dominic Road, Bandra,)
Mumbai - 400 050.)
4. Joan Mendez,)
residing at Geneve,)
St.Francis Road, Bandra,)
Mumbai - 400 050.)
5. Christopher Rana,)
residing at Andora Apartments,)
2nd Floor, St.Dominic Road,)
Malad, Mumbai.)
6. Elaine D'Lima,)
residing at D'Lima Apartments,)
Malad, Mumbai.)
7. Darryl Rana,)
residing at Andora Apartments,)
Ground Floor, St.Dominic Road,)
Bandra, Mumbai - 400 050.)
8. Michael Rana,)
residing at 04-10,)
60th Avenue Apartments,)
6, Almhurst, N.Y.11373 U.S.A.).. Petitioners

Vs.

1. The State of Maharashtra,)
2. The Controller of Accommodation)
3. The Assistant Controller of)
Accommodation, 2 & 3 having)
their office at Barrack No.8,)

- Free Press Journal Marg,)
Bombay - 400 021.)
4. Ms. Kay Rana,)
5. Mr. Nigel Rana,)
4 & 5, residing at 'Andok',)
110 St.Dominic Road, Bandra,)
Bombay - 400 050.)
6. Ms.Peggy Tumbe,)
residing at 201, Sea Goddess)
"Green Fields", A.B.Nair Road,)
Juhu, Bombay - 400 049.)
7. Ms.Gail D'Souza,)
residing at 18 Sai Ashish,)
Off Peter Dias Road,)
Bandra, Bombay - 400 050.)
8. Lary Rana,)
residing at AL SID Flat No.42,)
4th Floor, St.Andrews Road,)
Bandra, Bombay - 400 050.).. Respondents
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Shri More i/b N.J.D'Monte for the petitioners.

Ms S.M.Dandekar, AGP for respondent Nos.1 to 3.

None present for respondent Nos.4 to 8, though served.

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CORAM : R.M.S.KHANDEPARKAR &
V.M.KANADE, JJ.

DATED : 13TH SEPTEMBER, 2005.

ORAL JUDGMENT: (Per R.M.S.Khandeparkar, J)

1. Heard. This writ petition was filed inter alia seeking the withdrawal and/or cancellation of an Order dated 30th December, 1950 issued by the Government of Bombay under Section 6(4)(b) of the

Bombay Land Requisition Act, 1948, in respect of the premises owned by the petitioners viz. Room Nos.1 and 2 on the ground floor of the building situate at 110, St.Dominic Road, Kantwadi Scheme, Bandra, Bombay - 400 050. By the said order, consequent to requisition of the said premises, the respondent No.1 directed the landlord of the said premises to let out the said premises to one Shri James A.Rana, and accordingly the said Rana was inducted in the said premises.

2. The respondent Nos.4 to 8 are the legal heirs and representatives of Shri James A.Rana. By virtue of Maharashtra Act XIV of 1997 viz. "The Bombay Rents, Hotel, Lodging House Rates Control, Bombay Land Requisition and Bombay Government Premises (Eviction) (Amendment) Act, 1997" all the premises requisitioned or continued under requisition under the "Bombay Land Requisition Act, 1948" were inter alia deemed to have been released from requisition and the legal heirs of the allottees in occupation or possession of the allotted premises for their own residence were deemed to have become the tenants of the landlords. Sub-section (2) of Section 3 of Act XIV of 1997 however secured the rights of the landlord inter alia to recover possession of the premises from such tenants in accordance with law. The vires of

Maharashtra Act XIV of 1997 has been upheld by the Supreme Court of India on 18th February, 2003 in the case of **Welfare Association A.R.P. Maharashtra & Anr. v. Ranjit P.Gohil & Ors.**, reported in AIR 2003 SC 1266 by reversing the contrary view taken by this High Court.

3. The petitioners herein admittedly are the landlords of the said premises. In the light of the aforestated legal position consequent to the ruling of the Supreme Court and the provisions of the Act XIV of 1997, the respondent Nos.4 to 8 are deemed to have become the tenants of the petitioners. The petitioners, if so desire, may take appropriate proceedings for whatever relief, they may be entitled under the provisions of law.

4. In view of what is stated above, the petition is disposed of as infructuous. Rule is discharged, with no order as to costs. Needless to say that the petitioners, if so desire, may take necessary and appropriate proceedings in accordance with the provisions of law.

5. It is made clear that this Court has not expressed any opinion on any of the issues sought to

be raised in the matter.

(V.M.KANADE, J)

(R.M.S.KHANDEPARKAR, J)